

REMARKS

In response to the Office Action mailed August 10, 2007, applicants have cancelled claims 50-52, 61-62, and 75-80 without prejudice to applicants' right to pursue the subject matter of these claims in a related application. Applicants have amended claims 54-55, 57, 63, 65, 67, 69, 71, and 73 to remove reference to the cancelled claims, and have added claims 81-99. Thus, upon entry of this Amendment, claims 53-60, 63-74 and 81-99 are pending. Amendments to claims 54-55, 57, 63, 65, 67, 69, 71, 73, and added claims 81-89 are supported by the original claims and specification as filed (*see, e.g.*, p. 15, ll. 10-15; p. 16, ll. 18-25; p. 42, Table 1, Table 2, Table 3; and p. 46, ll. 27 - p. 47, ll. 16). Accordingly, no new matter is added by this amendment.

35 U.S.C. § 112 Rejections

A. Second Paragraph Rejection

The Examiner has rejected claims 75-78 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without acquiescing to the rejection or foregoing their right to prosecute the subject matter of these claims in future applications, applicants have cancelled these claims, rendering the basis for a 35 U.S.C. § 112, second paragraph rejection moot.

B. First Paragraph Rejection

The Examiner has rejected claims 53-78 under 35 U.S.C. § 112, first paragraph, as allegedly not enabled by the specification. The Examiner alleges that the previously submitted Deposit Declaration was not sufficient to overcome this rejection because the

declaration did not state that the subject biological materials would be irrevocably and without restriction or condition released to the public upon the issuance of the patent.

The attached Deposit Declaration clearly states that "upon issuance of a patent on the above-identified application, Glycotope GmbH will irrevocably remove all restrictions on the availability of the deposited material to the public." Applicants submit that this Declaration satisfies the enablement requirement of 35 U.S.C. § 112, first paragraph, and request that the rejection be withdrawn.

35 U.S.C. § 102 Rejections

A. 35 U.S.C. § 102(e)

The Examiner has rejected claims 51, 52, 54-62, and 67-80 under 35 U.S.C. § 102(e) as being anticipated by Subject et al. (US Patent 6,984,384). Applicants respectfully traverse this. However, to expedite prosecution, and not because applicants acquiesce to the Examiner's reasoning, applicants have cancelled claims 51-52, 61-62, and 75-80. Claims 54-60 and 67-74 now depend from claim 53, which was not rejected under 35 U.S.C. § 102(e). Applicants reserve the right to pursue the cancelled subject matter in a related application.

B. 35 U.S.C. § 102(b)

The Examiner has also rejected claims 50-52, 55, 57, 61, 63, 65, 67, 69, 71, 73, and 75-79 under 35 U.S.C. § 102(b) as being anticipated by Samali et al (FEBS letters, 461(3): 306-310 (November 1999)). Applicants respectfully traverse. However, to expedite prosecution applicants have cancelled claims 50-52, 61, and 75-79 and amended claims 55, 57, 63, 65, 67, 69, 71, and 73 to depend from claim 53, which was

not rejected under 35 U.S.C. § 102(b). Applicants reserve the right to pursue the subject matter of the cancelled claims in a related application.

Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of claims 53-60, 63-74 and 81-99.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to deposit account 06-0916.

Respectfully submitted,

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Dated: December 10, 2007

By:  Limited Recognition
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